

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
Case No. 1:25-cv-20040-JB

MATTHEW JOHN HEATH *et al*,

Plaintiffs,

vs.

NICOLÁS MADURO MOROS *et al*,

Defendants.

PLAINTIFF'S NOTICE OF JOINT LIABILITY

Plaintiffs respectfully file this Notice of Joint Liability in accordance with the Court's standing procedures regarding motions for default final judgment. (Judge Becerra Standing Order Motions for Default Judgment). In the Court's standing order, it instructs the plaintiffs to file a notice of joint and several liability if there are allegations of joint and several liability, or there is the possibility of inconsistent liability between defendants. *Id.* Because there are multiple Defendants here, and allegations of joint and several liability, Plaintiffs file this Notice of Joint Liability concurrently with the motion seeking a default final judgment against (1) Nicolás Maduro Moros ("Nicolás Maduro" or "Maduro"), (2) Vladimir Padrino López ("Padrino López") (3) Néstor Luis Reverol Torres ("Reverol Torres"), (4) Tarek William Saab Halabi ("Tarek Saab"), (5) Iván Rafael Hernández Dala ("Iván Hernández"), (6) Diosdado Cabello Rondón ("Diosdado Cabello"), (7) Alex Nain Saab Morán ("Alex Saab"), (8) José Miguel Domínguez Ramírez ("Domínguez Ramírez") (9) Cilia Adela Flores de Maduro ("Cilia Flores") (10) Reynaldo Hernández, (11) Marlon Salas Rivas ("Salas Rivas"), (12) Alexander Enrique Granko Arteaga ("Granko Arteaga"),

(collectively “Individual Defendants”), (13) Compañía General de Minería de Venezuela, (a.k.a. CVG Compañía General de Minería de Venezuela CA, a.k.a. Corporación Venezolana de Guyana Minerven C.A., a.k.a. CVG Minerven, a.k.a. and hereinafter “Minerven”), (14) Segunda Marquetalia, (15) Fuerzas Armada Revolucionarias de Colombia - Ejército del Pueblo (“FARC-EP”), and (16) Cártel de Los Soles (“Cartel of the Suns”).

I. Brief Description of Allegations

Plaintiffs Matthew Heath (“Mr. Heath”) and Osman Khan (“Mr. Khan”), along with their family members I.M.H., a minor, Robert John Heath, Connie Demeta Haynes, McKenzie Conneal Daniels, Devin Waller, Tania Yudith Valdes, Jasmin Yudith Khan, and A.I.K, a minor, are U.S. citizens who were harmed by Defendants when Mr. Heath and Mr. Khan were detained, tortured, and held captive by Defendants for 752 and 259 days respectively. *See* ECF No. 12 at ¶¶ 1-2, 11.

Defendants are located in Venezuela and exercise *de facto* control over Venezuela and run a criminal enterprise engaged in acts of criminality including narcoterrorism, torture, kidnapping and hostage holding, and money laundering. *Id.* at ¶¶ 26-43, 55, 69–107.

Plaintiffs allege, among other things, that On September 9, 2020, Mr. Heath was traveling from Colombia to Aruba and was stopped at a checkpoint Maracaibo, Venezuela. *Id.* at ¶ 124. Mr. Heath was searched, his personal items were seized, and he was unlawfully detained. *Id.* at ¶¶ 125-126. For the next 752 days, Mr. Heath was held in inhuman and unsanitary conditions and subjected to acts of torture such as electrocution, beatings, food and water deprivation and solitary confinement. *Id.* at ¶ 132.

Similarly, on or about January 15, 2022, Mr. Khan and his girlfriend were captured at a border between Colombia and Venezuela by Defendants while en route to Venezuela to visit his girlfriend’s family. *Id.* at ¶ 159. For the next 259 days, Mr. Khan was tortured by electrocution,

waterboarding, beatings, and forced injections. *Id.* at ¶¶ 161-171. Mr. Khan suffered from panic attacks and seizures due to the forced injections. *Id.* at ¶¶ 6, 170.

Mr. Heath and Mr. Khan were held hostage until October 1, 2022, when they were released along with five other wrongfully detained Americans in an exchange for the release and clemency of Efrain Antonio Campo Flores ("Efrain Campo") and Francisco Flores de Freitas ("Franqui Flores"), nephews of Defendants Maduro and Cilia Flores. *Id.* at ¶¶ 29, 187-188. Despite their release, Mr. Heath and Mr. Khan still feel the effects of their captivity and torture by Defendants. Mr. Heath lost his charter business and boats he spent his life savings purchasing. *Id.* at ¶ 156. He continues to suffer from anxiety and is unable to travel due to his fears of being recaptured. *Id.* Furthermore, his family members went through the stress, anxiety, and fear of knowing Mr. Heath was being held hostage. *Id.* at ¶ 157. They continue to feel the ripple effects of Mr. Heath's captivity. *Id.*

Mr. Khan continues to suffer from seizures and digestive issues due to the medications he was injected with. *Id.* at ¶ 191. Moreover, Mr. Khan continues to live with anxiety and struggles with panic attacks during everyday activities. *Id.* Mr. Khan's family has noticed a change in their mental health as well. They have become hypervigilant and experience paranoia and fear that Mr. Khan will be reincarcerated by the Maduro Criminal Enterprise. *Id.* at ¶ 192. This is in addition to the adverse economic consequences of Mr. Khan's detention that continue to present a struggle for the family. *Id.* at ¶ 193.

Due to their injuries, Plaintiffs bring this action under eight counts against Defendants. See ECF No. 12 at ¶¶ 197-228. The following causes of action are against All Defendants, jointly and severally:

- Count I - a claim under the Federal Anti-Terrorism Act, 18 U.S.C. § 2333, for injuries all the Plaintiffs suffered because of the Defendants' kidnapping, false imprisonment, and torture of Mr. Heath and Mr. Khan, which resulted in lingering physical injuries and mental and emotional distress to all Plaintiffs. *Id.* at ¶¶ 197–217.
- Count III - a claim of intentional infliction of emotional distress under Tennessee law brought by Mr. Heath's family members, I.M.H., Robert John Heath, Connie Demeta Haynes, McKenzie Conneal Daniels, and Devin Waller for the extreme emotional distress caused by the outrageous conduct of kidnapping and torturing Mr. Heath. *Id.* at ¶¶ 229–237.
- Count IV - a claim of intentional infliction of emotional distress under Florida law brought by Mr. Khan's mother, Tania Valdes and minor brother, A.I.K. for the extreme emotional distress caused by the outrageous conduct of kidnapping and torturing Mr. Khan. *Id.* at ¶¶ 238–246.
- Count V - a claim of intentional infliction of emotional distress under Virginia law brought by Mr. Khan's sister, Jasmin Khan for the extreme emotional distress caused by the outrageous conduct of kidnapping and torturing Mr. Khan. *Id.* at ¶¶ 247–255.
- Count VI - a claim of false imprisonment brought by Mr. Heath and Mr. Khan for their unlawful kidnapping and detention that caused lingering physical injuries and emotional and mental distress. *Id.* at ¶¶ 256–263.
- Count VII - a claim for Civil RICO, 18 U.S.C. § 1962(a)-(d), brought by all Plaintiffs for the various unlawful acts, including trafficking in narcotics, narco-

terrorism, and other terrorism (including kidnapping and torture), that were carried out in furtherance of maintaining the Maduro Criminal Enterprise. *Id.* at ¶¶ 264–280.

- Count VIII - a claim of defamation and defamation *per se* brought by Mr. Heath and Mr. Khan for the economic, physical, and mental injuries caused by the Defendants labeling them terrorists to justify their detention and torture. *Id.* at ¶¶ 281–297.

The following cause of action is against the Individual Defendants¹ only, jointly and severally:

- Count II - under the Torture Victim Protection Act, 28 U.S.C. § 1350, for injuries sustained by the kidnapping, false imprisonment, and torture of Mr. Heath and Mr. Khan, which resulted in numerous physical injuries and mental and emotional distress to Mr. Heath and Mr. Khan. *Id.* at ¶¶ 218–28.

II. Status of Defendants' Liability

The same day the compliant was filed, Plaintiffs filed a Motion for Service pursuant to Fed. R. Civ. P. 4(f)(3) and 4(c)(3) on January 6, 2025. *See* ECF No. 6; *see also* ECF No. 19.1, Decl. of Brian P. Fonseca. This Court granted Plaintiffs' Motion for Service on February 25, 2025. ECF No. 20.

On March 21, 2025, the Cartel of the Suns were served with the Summons and Amended Complaint. ECF Nos. 27-28. The Cartel of the Suns failed to timely file responsive pleadings by April 11, 2025. On April 29, 2025, Plaintiffs moved for Clerk's Default against all Defendants

¹ The Individual Defendants consists of Nicolás Maduro, Padrino López, Reverol Torres, Tarek Saab, Iván Hernández, Diosdado Cabello, Alex Saab, Domínguez Ramírez, Cilia Flores, Reynaldo Hernández, Salas Rivas, and Granko Arteaga.

except FARC-EP (ECF No. 29), which was entered on April 30, 2025. ECF No. 30. On May 8, 2025, FARC-EP was served with the Summons and Amended Complaint. ECF No. 31. The FARC-EP did not file responsive pleadings by May 29, 2025. On May 30, 2025 Plaintiffs moved for Clerk's Default against FARC-EP (ECF No. 32), which was entered that same day. ECF No. 33. On August 19, 2025, the Individual Defendants, Minerven, and Segunda Marquetalia were served. ECF No. 56-56.1. These Defendants failed to respond to the pleadings by September 9, 2025. Plaintiffs filed a motion for entry of Clerk's Default on September 10, ECF No. 58, which was entered on that day. ECF Nos. 59 and 60.

Because Defendants have failed to respond after being lawfully served, Plaintiffs file a motion for default judgment against all Defendants.

III. Conclusion

Plaintiffs seek to hold All Defendants jointly and severally liable on Counts 7, 3-8 of the complaint. Further, Plaintiffs seek to hold only the Individual Defendants jointly and severally liable on Count II of the complaint.

Dated: September 15, 2025

Respectfully submitted,

/s/ John Thornton

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 15, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.